

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

| | | |
|---------------------------|---|-----------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 18-CR-264-RWS-PLC |
| |) | |
| ZACHARY KYLE HAMBY, |) | |
| |) | |
| Defendant. |) | |

DEFENDANT’S MOTION TO STAY PROCEEDINGS

Comes now Defendant, by his attorney, John D. Stobbs II, and for his Motion to Stay Proceedings states:

1. On March 29, 2018 an Indictment was returned charging Defendant with crimes related to child pornography.
2. Pursuant to the Criminal Justice Act, attorney Larry Hale was appointed to represent Defendant who had previously been diagnosed with a type of autism.
3. Mr. Hale vigorously defended Defendant whose mental state was the issue of a great deal of motion practice.
4. Subsequent to Mr. Hale’s death, the undersigned was appointed to represent Defendant on January 14, 2020.
5. On January 15, 2020 the undersigned sent discovery letters to the Government and after an informal discussion, it was agreed that upon receipt of the file from Mr. Hale’s office, the undersigned could advise the Government of any additional discovery requests.
6. Since being appointed to represent Defendant, the undersigned has unsuccessfully attempted to obtain Defendant’s file from Mr. Hale’s office.

7. The undersigned contacted attorney Levelle Littleton who worked in the same office building as Mr. Hale. Mr. Littleton indicated to the undersigned that he would contact Mr. Hale's widow to ascertain if she could assist.

8. The undersigned contacted Mr. Hale's office but the telephone had been disconnected.

9. The undersigned attempted unsuccessfully to contact Mr. Hale's widow by telephone and sent an email to her as well. Said email has not been answered.

10. Two motions to extend time to file motions have been filed by the undersigned.

11. On March 5, 2020 the undersigned met with Defendant to discuss the foregoing and Defendant executed a Waiver of Speedy Trial (Exhibit A).

12. To avoid monthly motions to extend time to file motions, Defendant requests that the proceedings be stayed until the undersigned either has Mr. Hale's entire file or is able to recreate a file to proceed.

WHEREFORE, Defendant requests that this matter be stayed.

ZACHARY KYLE HAMBY

STOBBS LAW OFFICES

BY:

/s/John D. Stobbs II

John D. Stobbs II, No. 43052

E.D.Mo. Number 40623

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CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2020, a copy of the attached *Defendant's Motion to Stay Proceedings* was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

Ms. Colleen Lang
Assistant U.S. Attorney
111 S. 10th Street
St. Louis, Missouri 63102

STOBBS LAW OFFICES

/s/ John D. Stobbs II
Attorney for Defendant
307 Henry St. Suite 211
Alton, Illinois 62002